

In Re	:	Case No.	98-34454
David B. Welliver	:	Chapter 7	
	:		
Debtor,	:	Honorable Dennis O’Brien	
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ELAINE L. CHAO , Secretary of Labor,	:		
United States Department of Labor,	:		
	:		
Plaintiff,	:		
	:	Adv. No. 04-3274	
v.	:		
	:		
DAVID B. WELLIVER ,	:		
	:		
Defendant.	:		

After considering the record and the parties' representations, the Parties' Joint Stipulation and Order ("Stipulation"), executed on September 27, 2004, electronic docket number 15-1, is approved. The general terms of the Joint Stipulation and Order are as follows:

1. In accordance with the Consent Judgment and Order filed in district court, David B. Welliver shall repay the debt of \$19,161.82 owed the D.B. Welliver & Co. Retirement Savings Plan (“Plan”). Such payment will be consistent with the Bankruptcy Code.
2. The funds that will be used to pay the monetary terms of the Consent Order and Judgment are either from funds that were not part of the bankruptcy estate and/or obtained post-petition; and such payment does not violate the bankruptcy automatic stay.
3. The parties agree to bear their own attorneys' fees, costs and other expenses incurred by such party in connection with any stage of this proceeding, including attorneys' fees which may be available under the Equal Access to Justice Act, as amended.

4. Nothing in the Stipulation is binding on any government agency other than the United States Department of Labor.

5. This matter is dismissed without prejudice with leave to reopen the matter if the monetary terms of the Consent Judgment and Order are not satisfied.

Date: September 29, 2004

/s/ Dennis D. O'Brien

JUDGE DENNIS O'BRIEN
UNITED STATES BANKRUPTCY COURT

NOTICE OF ELECTRONIC ENTRY AND FILING ORDER OR JUDGMENT Filed and Docket Entry made on 09/30/04 Lori A. Vosejka, Acting Clerk, By DLR
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STATE OF MINNESOTA)

) SS.

COUNTY OF RAMSEY)

I, Doretta Raymond, hereby certify: That I am the Judicial Assistant for Judge Dennis D. O'Brien of the United States Bankruptcy Court for the Third Division of the District of Minnesota, at St. Paul, Minnesota; that on September 30, 2004, true and correct copies of the annexed **ORDER** were placed by me in individually stamped official envelopes; that said envelopes were addressed individually to each of the persons, corporations, and firms at their last-known addresses appearing hereinafter; that said envelopes were sealed and on the day aforementioned were placed in the United States mails at St. Paul, Minnesota, to:

U. S. TRUSTEE
1015 U. S. COURTHOUSE
300 SO. 4th STREET
MINNEAPOLIS, MN 55415

DAVID B. WELIVER
P. O. BOX 65247
ST PAUL MN 55165

RUBEN CHAPA ESQ
SECRETARY OF LABOR - U S DEPT OF LABOR
230 SOUTH DEARBORN ST 8TH FLOOR
CHICAGO IL 60604

and this certificate is made by me.

/e/Doretta Raymond